

REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

Applicants have added new Claims 32-35. Specifically, bias voltage less than or equal to 3 V is supported by paragraphs [0014], [0040] and [0041] of U.S. Patent Application Publication No. 2005/0184360 A1 (hereafter “’360 Publication”), which is a publication of the instant application. Support for current source is found in paragraphs [0012] and [0040] since providing a collector current and current gain is impossible without a current supply. Support for a “collector-less bipolar junction transistor” and the various components thereof is found throughout the ’360 Publication including, inter alia, paragraphs [0010] and [0013] and Claims 1, 13, and 15. Since all elements of the amendments are supported by the specification, entry of the amendments is respectfully requested.

Applicants submit that new claims 32 and 23 (herein referred to as “Group 3”) and new claims 34 and 35 (herein referred to as “Group 4”) are directed to patentable distinct inventions from those of Claims 1-14 (Group 1), which are currently under examination, and those of Claims 15 to 31 (Group 2), which have been withdrawn from examination. If the Examiner agrees that Groups 3 and 4 are directed to patentable distinct inventions, applicants elect without traverse the claims currently under examination (Group 1) and Applicants will cancel the claims of Groups 3 and 4.

In the outstanding Office Action, Claims 1-14 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 – 13 of U.S. Patent No. 7,115,965 to Ho et al. (“’965 Patent”) in view of Tsuchiya (JP 05-243255A, “Tsuchiya” hereafter).

In response, Applicants submit an executed terminal disclaimer. Applicants observe that the terminal disclaimer removes the '965 Patent as a principal reference. Upon removal of the '965 Patent, Applicants submit that Tsuchiya alone does not anticipate the present invention nor render the present invention obvious. Since Tsuchiya does not teach or suggest the limitations of the claimed invention.

Further, after reviewing the references previously cited during prosecution of the instant application, Applicants believe that Claims 32-35 are patentable since none of the prior art references disclose, teach, or suggest, among other things, "a back gate-induced minority carrier inversion layer which is an inversion charge layer, wherein the inversion layer is an intrinsic collector of a collector-less bipolar junction transistor."

Thus, in view of the terminal disclaimer submitted herewith and the foregoing remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Should the Examiner determine that anything further is desirable to place this application in even better form for allowance, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



Leslie S. Szivos, Ph.D.
Registration No. 39,394

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
Customer No. 23389
BP:LSS:av